IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 8712 of 2005(K)

PETITIONER:

J.M.JOSEPH, AGED 34 YEARS,
S/O. K.JOHNSON, RESIDING AT JYOTHIS,T.C.10/1642(2)
KOVILVILA, MANNANNTHALA P.O.,THIRUVANANTHAPURAM
(NOW WORKING AS DRIVER, KERALA WATER AUTHORITY,
THIRUVANANTHAPURAM).

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
HOME DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM.

2. THE COMMAND GENERAL,
THE CIVIL DEFENCE AND KERALA, FIRE AND RESCUE
SERVICES, HEAD QUARTERS CHENGALCHOOLA,
THIRUVANANTHAPURAM.

3. THE KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR,
JALA BHAVAN, THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF INSURANCE,
KERALA STATE INSURANCE DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.A.SALIM FOR R1 AND R4
SRI.BABU VARGHES,SC,KWA (R3)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER DATED 3.2.2004 PASSED BY THE KERALA LOK AYUKTH.

EXT.P2: COPY OF THE LETTER NO.KWA/JB/E7/4664/04 DATED 5.4.2004 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.

EXT.P3: COPY OF THE PROCEEDINGS OF THE DEPUTY DIRECTOR OF THE INSURANCE , THIRUVANANTHAPURAM DATED 16.6.2004 TO THE 3RD RESPONDENT.

EXT.P4: COPY OF THE REPRESENTATION DATED 11.8.2004 TO THE 1ST RESPONDENT.

EXT.P5: COPY OF THE COMMUNICATION VIDE NO.GR1/6831/2004 DATED 28.1.2005 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

RESPONDENT'S EXHIBITS:

EXT,R2(a): COPY OF LR.PF 36/CL.I.N.W. 21/04-05/533 DATED 16.6.2004 OF ACCOUNTANT GENERAL, THIRUVANANTHAPURAM.

EXT.R2(b): COPY OF LR.NO.C.463/2003 DTD 7.7.2004 OF STATION OFFICER, FIRE & RESCUE STATION, THIRUVANANTHAPURAM.

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BKN // TRUE COPY//

P.A. TO JUDGE.

T.R.RAMACHANDRAN NAIR, J.

W.P.(C).NO.8712 OF 2005

Dated this the 21st day of March, 2007.

JUDGMENT

The petitioner was an employee under the second respondent from 10.11.1997 to 25.2.2003 in his capacity as a Fireman-Driver-cum-pump operator. By way of inter department transfer, he joined Kerala Water Authority on 26.2.2003 as Driver.

2. The petitioner approached this court for a direction to disburse or to credit the arrears of DA eligible to him to his present General Provident Fund A/c No. FB 2872 and also to transfer the Provident Fund to the new Account, under the Kerala Water Authority. The second respondent has filed a statement as directed by this court. It is stated therein that the petitioner has not submitted a closure application for transfer of balance account to his new account. It is also stated that the arrear DA due to him for the period from 7/2002 to 2/2003 amounting to Rs.9123/- has been drawn and credited to his former GPF Account FB 2872. The second respondent has also stated that the balance amount including the arrears of DA credited to his former GPF Account can be transferred to his new Account only on filing the closure application by the petitioner in the prescribed form.

3. It is stated by the counsel for the petitioner that the petitioner has forwarded the closure application in the prescribed form to the second respondent on 1.12.2006, through proper channel. The petitioner prays that

second respondent may be directed to take appropriate action on the said application.

4. Therefore this Writ Petition is disposed of directing the second respondent to take appropriate action on the closure application submitted by the petitioner in form No. E II, for transferring the balance in the GPF account to his new Account No. WA 11452. If the application has already been received, the second respondent will take expeditious action in this regard so that the amount in his GPF account is transferred to his new account with all accruals without any further delay. The second respondent will take suitable action within one month from the date of receipt of a copy of this judgment. The petitioner has also sought for an further relief to reckon his service under the second respondent along with the present service under the fourth respondent for other purposes. I have not decided the said issue and the said issue is left open.

The Writ Petition is disposed of accordingly. No costs.

T.R.RAMACHANDRAN NAIR
JUDGE.

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